UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,922	11/09/2000	Rick Allen Hamilton II	AUS9-2000-0562-US1	5547

35525 7590 09/14/2004	EXAMINER
IBM CORP (YA)	DUONG, THOMAS

	ART UNIT	PAPER NUMBER
C/O YEE & ASSOCIATES PC	2143	

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DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- *Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed*
  after SIX (6) MONTHS from the mailing date of this communication.
- *If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.*
- *If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.*
- *Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).*
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 May 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 4-8, 11-15 and 18-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-8, 11-15 and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is in response to the amendment filed on May 27, 2004. The

amendment filed on May 27, 2004 has been entered and made of record. *Claims 1, 4-8,*

11-15 and 18-21 are presented for further consideration and examination.

Response to Argument

2.   The Applicants' arguments and amendments filed on May 27, 2004 have been fully

considered, but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

4.   *Claims 1, 4-8, 11-15 and 18-21* are rejected under 35 U.S.C. 103(a) as being

unpatentable over Davis (US005742829) and in view of Sakanishi et al.

(US006678888B1).

5.   With regard to *claims 1, 8 and 15*, Davis reference discloses,

- *specifying said plurality of heterogeneous client computer systems to receive*

  said device driver (program, software); (Davis, col.2, lines 15-44; col.6, lines 23-

  65; col.8, line 56 – col.9, line 39; col.10, line 43 – col.11, line 29; fig.3A-3B;

Davis teaches of a method to automatically install, upon availability, an edition

(i.e. version) of software (i.e. driver) which is appropriate for execution on a

particular processor type and suitable for use with a particular operating system

type on a heterogeneous client computer systems)

- *said server computer system (centralized management system) causing said one*

  of said plurality of client computer systems to install said one of said plurality of

  different versions of said device driver. (Davis, col.2, lines 15-44; col.3, lines 24-

  67; Davis teaches of a method to automatically install, upon availability, an

  edition (i.e. version) of software (i.e. driver) which is appropriate for execution on

  a particular processor type and suitable for use with a particular operating system

  type on a heterogeneous client computer systems from a centralized server)

- *storing a plurality of different versions of said device driver in said server*

  computer system, wherein each one of said plurality of different versions is

  executable by only a different one of said plurality of operating systems; (Davis,

  col.2, lines 53-58; col.5, lines 56-58; col.6, line 23 – col.7, line 34; fig.3A; Davis

  teaches of a method to automatically install, upon availability, an edition (i.e.

  version) of software (i.e. driver) which is appropriate for execution on a particular

  processor type and suitable for use with a particular operating system type on a

  heterogeneous client computer systems from a centralized server)

- *copying one of said plurality of different versions of said device driver to one of*

  said plurality of client computer systems which is executing one of said plurality

  of different operating systems, wherein said one of said plurality of different

  versions of said device driver is executable by said one of said plurality of

  different operating systems; and (Davis, col.2, lines 15-44; col.3, lines 24-67;

col.5, lines 56-58; col.6, line 23 – col.7, line 34; fig.3A; Davis teaches of a method

to automatically install, upon availability, an edition (i.e. version) of software (i.e.

driver) which is appropriate for execution on a particular processor type and

suitable for use with a particular operating system type on a heterogeneous client

computer systems from a centralized server)

However, Davis reference does not explicitly disclose,

- *further comprising the step of creating a file including a plurality of entries, each*
  one of said plurality of entries specifying a different one of said plurality of client
  computer systems, one of said plurality of different operating systems, and a
  network address of said one of said plurality of client computer systems.

- *further comprising the step of distributing said plurality of versions of said device*
  driver to said plurality of client computer systems utilizing said file.

Sakanishi teaches,

- *further comprising the step of creating a file including a plurality of entries, each*
  one of said plurality of entries specifying a different one of said plurality of client
  computer systems, one of said plurality of different operating systems, and a
  network address of said one of said plurality of client computer systems.

  (Sakanishi, col.5, lines 56-62; col.6, lines 47-52; col.7, lines 13-30; col.8, lines

  44-64; col.9, line 55 – col.10, line 10; col.10, lines 41-57; Sakanishi teaches of a

  software distribution system utilizing a file to specify the client computer systems

  that are to receive the appropriate edition (i.e. version) of software (i.e. driver) for

  execution on a particular processor type and suitable for use with a particular

  operating system type on a heterogeneous client computer systems from a

  centralized server)

- *further comprising the step of distributing said plurality of versions of said device driver to said plurality of client computer systems utilizing said file.* (Sakanishi, col.5, lines 56-62; col.6, lines 47-52; col.7, lines 13-30; col.8, lines 44-64; col.9, line 55 – col.10, line 10; col.10, lines 41-57; Sakanishi teaches of a software distribution system utilizing a file to specify the client computer systems that are to receive the appropriate edition (i.e. version) of software (i.e. driver) for execution on a particular processor type and suitable for use with a particular operating system type on a heterogeneous client computer systems from a centralized server)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Sakanishi reference with Davis reference to enhance the software distribution system utilizing a file to specify the client computer systems that are to receive the appropriate edition (i.e. version) of software (i.e. driver) for execution on a particular processor type and suitable for use with a particular operating system type on a heterogeneous client computer systems from a centralized server.

6.   With regard to <u>claims 4-7, 11-14 and 18-21</u>, Davis and Sakanishi references disclose the invention substantially as claimed,

See *claims 1, 8 and 15* rejection as detailed above,

Furthermore, Davis and Sakanishi disclose,

- *getting a first entry from said file utilizing said server computer system; determining a first one of said plurality of operating systems included .in said first entry utilizing said server computer system; determining a network address for a first one of said plurality of client computer systems included in said first entry*

utilizing said server computer system; retrieving a first one of said plurality of

different versions of said device driver utilizing said server computer system,

wherein said first one of said plurality of different versions of said device driver is

executable by said first one of said plurality of operating systems; and copying

said first one of said plurality of different versions of said device driver to said first

one of said plurality of client computer systems at said network address utilizing

said server computer system. (Davis, col.2, lines 15-44; col.6, lines 23-65; col.8,

line 56 – col.9, line 39; col.10, line 43 – col.11, line 29; fig.3A-3B; Davis teaches

of a method to automatically install, upon availability, an edition (i.e. version) of

software (i.e. driver) which is appropriate for execution on a particular processor

type and suitable for use with a particular operating system type on a

heterogeneous client computer systems; Sakanishi, col.5, lines 56-62; col.6, lines

47-52; col.7, lines 13-30; col.8, lines 44-64; col.9, line 55 – col.10, line 10; col.10,

lines 41-57; Sakanishi teaches of a software distribution system utilizing a file to

specify the client computer systems that are to receive the appropriate edition

(i.e. version) of software (i.e. driver) for execution on a particular processor type

and suitable for use with a particular operating system type on a heterogeneous

client computer systems from a centralized server)

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Thomas Duong whose telephone number is 703/305-1886 or

571/272-3911 (after 11/01/2004). The examiner can normally be reached on M-F

7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221 or 571/272-3923 (after 11/01/2004). The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900 or 571/272-2100 (after 11/01/2004).

Thomas Duong (AU2143)

September 10, 2004

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER